IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

MONDAY, THE 23RD JULY 2007 / 1ST SRAVANA 1929

Tr.P(Crl.).No. 55 of 2007()

MC.242/2006 of FAMILY COURT, KOTTAYAM
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PETITIONER: ORIGINAL RESPONDENT

SHAJI, S/O.SOMANATHAN, AGED 37 YEARS,
RESIDING AT VALIAVILA, NJEKKAD
VADASSERIKONAM P.O., VARKALA,
THIRUVANANTHAPURAM DISTRICT.

BY ADV. SRI.K.KUSUMAM
SRI.SHAMMI VIJAYAN
SRI.M.T.AJITH
SRI.B.S.SEEMA

RESPONDENTS: ORIGINAL PETITIONER

RENJINI, W/O.SHAJI, AGED 29 YEARS,
HAVING ADDRESS AT PRASANTHI, KUMARANALLOOR,
KOTTAYAM,
NOW RESIDING AT THE QUARTERS OF VEGETABLE FRUITS
PROMOTION COUNCIL, KAKKANAD, ERNAKULAM.

BY

THIS TRANSFER PETITION (CRIMINAL) HAVING COME UP FOR ADMISSION ON 23/07/2007, ALONG WITH TPC 156/07, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

M.N.KRISHNAN, J

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TR.P.(Crl.P55/2007 & Tr.P.(C) No.156 OF 2007

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Dated this the 23rd day of July, 2007

JUDGMENT

Tr.P(Crl)No.55 of 2007 is filed to transfer M.C.No.242 of 2006 on the file of the Family Court, Ettumanoor, Kottayam to Family Court at Ernakulam and Tr.P.(C)No.156 of 2007 is filed to transfer O.P.No.946 of 2006 of the Family Court, Ettumannoor, Kottayam to Family Court, Ernakulam. The apprehension of the petitioner, who is the husband is that he is not safe if the case is tried at Ettumanoor on account of the fact that the relatives of the wife may attack him. It has to be remembered that the husband is a person who has filed a petition for restitution of conjugal rights and he wants the wife to be with him. It is submitted that he is working at Trivandrum and he has to travel a further distance of 60 kilometers to Ettumanoor. He would contend that the wife is residing in Ernakulam and if the case is transferred to Ernakulam, it will be convenient for her also. The reasons alleged are flimsy and appear to be very strange. Further, if indiscriminate transfer of Family Court petitions are allowed, then it will be nullifying the jurisdictional aspect covered under Section 19

of the Hindu Marriage Act. Therefore, I am convinced that there are no grounds to allow both the petitions. Hence they are dismissed. But, if at any time the Family Court is convinced of the fact that there is some danger to the petitioner, it shall give him necessary protection for the safe conduct of the case.

M.N.KRISHNAN, JUDGE

Cdp/-